

Cyber Imaging Center



Federal Communications Commission
Washington, D.C. 20554

MAR 28 2 33 PM '00

March 27, 2000

Harry C. Martin
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington,
Virginia 22209

Dear Mr. Martin:

This is in response to the Petition for Rule Making you filed on behalf of Northern Radio of Michigan, Inc. requesting the allotment of Channel 240A at Scottville, Michigan, as that community's second local service.

We have reviewed your proposal and find that it is unacceptable for consideration as filed. A staff engineering analysis indicates that Channel 240A at your proposed site (43-53-13 and 86-26-33) is short-spaced to the licensed site for Station WKSZ, Channel 240C3, De Pere, Wisconsin. You have acknowledged the short spacing and state that if an administrative change in reference coordinates for the allotment at De Pere is made, Channel 240A can be allotted to Scottville. You further state that the proposed change in reference coordinates for the De Pere allotment is minor and will not require Station WKSZ to change frequencies or move its transmitter site and that the site is in compliance with both the required spacing provisions of Section 73.207 and the city-grade coverage requirements of Section 73.215.

It is unclear as to how an administrative change will eliminate the short spacing between the De Pere station and the proposed allotment at Scottville. Although Station WKSZ, De Pere, is licensed under Section 73.215 of the Rules, the proposed allotment for Scottville must be fully spaced to the licensed site for Station WKSZ. Changing the reference coordinates for the De Pere station will not eliminate the short spacing between Channel 240C3 at De Pere and proposed Channel 240A at Scottville.

Based on the above discussion, we are returning your petition for Scottville, Michigan.

Sincerely,

John A. Karousos
John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Enclosure

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February 28, 2000

BY HAND

Magalie Roman Salas, Esquire

Secretary

Federal Communications Commission

445 12th Street, S.W., Room TW-B204

Washington, DC 20554

Re: Petition for Rulemaking
Scottville, Michigan

Dear Ms. Salas:

Enclosed herewith, on behalf of Northern Radio of Michigan, are an original and four copies of its Petition for Rulemaking, requesting the Commission to amend the FM Table of Allotments to allot Channel 240A to Scottville, Michigan, as that community's second local broadcast service.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Sincerely,



Alison J. Shapiro

Counsel for Northern Radio of Michigan, Inc.

Enclosure

cc: ✓ Mr. John A. Karousos, FCC (w/encl.)

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
Amendment of Section 73.202(b))
Table of Allotments,) MM Docket No. _____
FM Broadcast Stations.) RM No. _____
(Scottville, Michigan))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Northern Radio of Michigan, Inc. ("NRM"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby respectfully requests the Commission institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to add Channel 240A to Scottville, Michigan, as that community's second local service. Thus, NRM proposes to amend Section 73.202(b) of the Commission's rules as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Scottville, Michigan	235C3	235C3, 240A

In support of this request, the following is stated:

The city of Scottville, Michigan, is an incorporated community located on the Pere Marquette River in western Mason County, Michigan. It had a 1990 U.S. Census population of 1,287.¹ Due to its location on the Pere Marquette River, Scottville is primarily an outdoor

¹ Source: *Rand McNally Commercial Atlas & Marketing Guide*, p. 381 (130th ed.) (1999).

recreational community whose economy is supported by agriculture and tourism.²

Scottville is also home to the Riverside Park campground which offers fifty two grass covered sites for camping. Due to Riverside Park's location on the Pere Marquette River and its reputation for quality trout and salmon fishing, visitors to Riverside Park include campers, hikers, canoers and fishermen alike.

Scottville is probably best known, however, for its clown band which plays at events in many cities every year. The band, which has over 200 musicians from all walks of life, has been in existence since 1903. The money generated by the band is distributed to local youth music programs.

Scottville has its own mayor, city council, chamber of commerce, public library, police department, volunteer fire department, funeral home, senior citizen center, and post office. The community is also served by the city of Luddington Mass Transit Authority which provides bus service to and from Scottville. The Scottville Chamber of Commerce lists over 50 business organizations within the community. These include a bank, two grocery stores, five convenience stores, a car dealership, an electric company, three insurance companies, a realty company, a hardware store, a lumber company, a canning factory and three restaurants. The community also has three churches, one dentist, one veterinarian, one chiropractor, one doctor, two attorneys, and two accountants.

The primary educational facility in Scottville is Mason County Central which provides a

² Unless otherwise indicated, all of the information contained herein regarding the community of Scottville has been obtained from the Scottville Chamber of Commerce via its Website at www.scottville.org and Scottville City Hall via its Website at www.multimag.com/city/mi/scottville/gov.html.

full instructional program for children in grades K-12. The community is also served by West Shore Community College which is located in Scottville. Both facilities are fully accredited by the Michigan Department of Education.

As demonstrated in the attached Engineering Statement, the reference coordinates for the city of Scottville meet the minimum distance separation requirements rules with respect to all known licenses, construction permits, pending applications, and pending rulemaking proceedings. Except as noted below, the Scottville allotment reference site complies with the minimum spacing requirements contained in Section 73.207 of the Commission's rules.

Also demonstrated in the attached Engineering Statement, the accommodation of a second local service to Scottville will require an administrative change in reference coordinates for the Channel 240C3 allotment at De Pere, Wisconsin. Currently, that channel is allotted to radio station WKSZ(FM), De Pere, Wisconsin. The proposed change in reference coordinates for the De Pere allotment, however, is minor and will not require WKSZ(FM) to change frequencies or move its transmitter site. Moreover, as demonstrated in the Engineering Statement, the proposed De Pere allotment reference site is in compliance with both the required spacing provisions of Section 73.207 and the city-grade coverage requirements of Section 73.215.

As stated above, the addition of Channel 240A will provide Scottville with its second local station. The addition of this station will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various states and communities by providing Scottville with its first competitive broadcast service. 47 U.S.C. § 307(b). *See FCC v. Allentown Broadcasting Co.*, 349 U.S. 358,

362 (1955) (describing a goal of Section 307(b) to “secure local competition for originating and broadcasting programs”). The public interest benefit afforded by the addition of a first competitive service to Scottville, provides an additional reason for approval of this proposal.

In the event that this petition requesting the allotment of Channel 240A at Scottville, Michigan, is granted, NRM will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Northern Radio of Michigan, Inc. respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the FM Table of Allotment, and ALLOT Channel 240A to Scottville, Michigan, as that community’s first competitive service.

Respectfully submitted,

NORTHERN RADIO OF MICHIGAN, INC.

By: 

Harry C. Martin
Alison J. Shapiro

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
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February 28, 2000

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CARL T. JONES
CORPORATION

**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Northern Radio of Michigan, Inc., licensee of WKLT(FM), Kalkaska, Michigan, to prepare this statement in support of a Petition to Amend the FM Table of Allotments, Section 73.202(b) of the FCC Rules. The petitioner requests that Section 73.202(b) of the FCC Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
Scottville, Michigan	235C3	235C3, 240A

An engineering study of all pertinent allotments, assignments and applications revealed that Channel 240A can be allotted to Scottville, Michigan as a second local service, with a site restriction 14 km southwest. The allotment reference coordinates for Channel 240A at Scottville, Michigan are 43° 53' 13" N.L. and 86° 26' 33" W.L.¹ The Scottville allotment reference site meets the allotment standards, the minimum spacing

¹ This describes the location of an existing tower (FCC Tower Registration Number 1000586).

STATEMENT OF WILLIAM J. GETZ
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requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC Rules.

To accommodate new second aural service at Scottville, the proponent requests a slight change in the reference coordinates for the channel 240C3 allotment at De Pere, Wisconsin. Radio station WKSZ(FM), De Pere, Wisconsin, currently operates on channel 240C3 from a short-spaced transmitter location pursuant to a Section 73.215 authorization (FCC File No. BLH-960529KC). The proposed administrative change in reference coordinates for the De Pere allotment will have no effect on the operation of WKSZ(FM). Radio station WKSZ(FM) would be permitted to continue operation on its current frequency, from its present transmitter site with its current technical facility.

An engineering study of all pertinent allotments, assignments and applications revealed that the Channel 240C3 allotment reference site may be moved closer to De Pere, Wisconsin, with a site restriction of 5.5 kilometers south. The allotment reference coordinates for Channel 240C3 at De Pere are $44^{\circ} 23' 27''$ N.L. and $88^{\circ} 04' 10''$ W.L. The De Pere allotment reference site meets the allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC Rules.

located 6.5 km
(4 miles) South of
De Pere, WI

STATEMENT OF WILLIAM J. GETZ
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This statement was prepared by me or under my direct supervision and is believed to be true and correct.

DATED: February 15, 2000



William J. Getz